

### **Remarks**

The Office Action dated June 15, 2011 has been carefully considered. Applicants have amended claims 1, 16, 25 and 26 without the addition of new matter. Applicants have cancelled claim 13 without prejudice to the subject matter found therein. Reconsideration of the claims as amended is respectfully requested.

### ***Claim Rejections – 35 USC § 103***

In Paragraph 6 of the Office Action, claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schnur et al. (US 2003/0096713).

First, Applicants respectfully traverse this rejection. As stated in the Becker/Braun reference made of record in the Information Disclosure Statement of August 24, 2006, lubricants for thermoplastics must be selected with care because “[c]ertain properties of the finished PVC article can be significantly influenced by lubricants.” p. 4. Therefore, the purpose of the invention for thermoplastic processing would be recognized by one having ordinary skill in the art as being a limitation on the invention.

Second, Applicants have amended claim 1 to limit the invention to lubricant compositions consisting essentially of (a) a first component consisting of natural fat and/or oil with an iodine value below 10; and (b) a second component comprising one lubricant different from the natural fat and/or oil of component (a) for thermoplastic polymers wherein the fats and oils of a) can be used in the form of naturally occurring fats and oils, or the hydrogenation products thereof, and wherein the lubricant b) is selected from fatty acid ester of fatty alcohols, dicarboxylic acid esters of fatty alcohols, and polyol fatty acid ester. Schnur et al. requires the

addition of antioxidants and detergents or dispersants to the lubricating composition disclosed therein. *See Abstract and ¶¶ [0005], [0017] et. seq., [0060] et. seq.* Schnur et al. teaches that the antioxidants and detergents or dispersants “are useful act [sic] controlling oxidation of lubricants” which is the goal of the invention. ¶ [0005]. The additional elements taught by Schnur et al. affect the characteristics of the composition. Therefore, Schnur et al. does not teach, suggest or disclose the current invention. In light of the amendments and these remarks, Applicants respectfully request the Examiner withdraw the rejection of claims 1-3.

In Paragraph 7 of the Office Action, claims 1-5, 8, and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Worschech et al. (US 3,875,069) (referred to as ‘069) in view of Worschech et al. (4,637,887) (referred to as ‘887). Applicants have amended claims 1 and 16, upon which the remaining claims are dependent. Worschech et al. ‘069 teaches using mixed esters (component A) with an ester (component B). *See col. 2, ll. 31-54.* Worschech et al. ‘069 does not teach, suggest or disclose using only two components. Therefore, Worschech et al. ‘069 does not teach, suggest or disclose the elements of the current invention. Worschech et al. ‘887 does not cure this deficiency. Neither the Worschech et al. ‘069 nor ‘887 references, alone or in combination, teach, suggest or disclose the elements of the current invention. In light of the amendments and the above remarks, Applicants respectfully request the Examiner withdraw the rejection of claims 1-5, 8, and 14-18.

In Paragraph 8 of the Office Action, claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Worschech et al. (US 3,875,069) (referred to as ‘069) in view of Worschech et al. (4,637,887) (referred to as ‘887 as applied to claim 1 above), and further in view of Alastalo et al. (US 2005/0009957A1). Applicants hereby incorporate the remarks above. Neither the Worschech et al. ‘069 nor ‘887 references, alone or in combination, teach, suggest or disclose the elements of the current invention. Alastalo et al. does not cure this deficiency. In light of the amendments and the above remarks, Applicants respectfully request the Examiner withdraw the rejection of claim 22.

In Paragraph 9 of the Office Action, claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Worschech et al. (US 3,875,069) (referred to as ‘069) in view of Worschech et al. (4,637,887) (referred to as ‘887 as applied to claim 1 above), and further in view of Haack et al. (US 5,889,102). Applicants hereby incorporate the remarks above. Neither the Worschech et al. ‘069 nor ‘887 references, alone or in combination, teach, suggest or disclose the elements of the current invention. Haack et al. does not cure this deficiency. In light of the amendments and the above remarks, Applicants respectfully request the Examiner withdraw the rejection of claim 9.

In Paragraph 10 of the Office Action, claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Worschech et al. (US 3,875,069) (referred to as ‘069) in view of Worschech et al. (4,637,887) (referred to as ‘887 as applied to claim 1 above), and further in view of Dohi et al. (US 2004/0014861 A1). Applicants hereby incorporate the remarks above. Neither the Worschech et al. ‘069 nor ‘887 references, alone or in combination, teach, suggest or

disclose the elements of the current invention. Dohi et al. does not cure this deficiency. In light of the amendments and the above remarks, Applicants respectfully request the Examiner withdraw the rejection of claim 10.

In Paragraph 11 of the Office Action, claims 7, 11-13, 19, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Worschech et al. (US 3,875,069) (referred to as '069) in view of Worschech et al. (4,637,887) (referred to as '887) as applied to claims 1 and 16 above, in view of Dohi et al. (US 2004/0014861 A1) as applied to claim 10, in view of Haack et al. (US 5,889,102) as applied to claim 9 and further in view of Lindner (US 6,818,689).

Applicants have amended claims 1 and 16, upon which the rejected claims are dependent.

Applicants have cancelled claim 13 without prejudice to the subject matter found therein.

First, Applicants hereby incorporate the remarks above. Neither the Worschech et al. '069 nor '887 references, alone or in combination, teach, suggest or disclose the elements of the current invention. Neither of Dohi et al. or Haack et al., alone or in combination with Worschech et al. '069 nor '887 references, cure this deficiency. The addition of Lindner to the Worschech et al. '069 nor '887, Dohi et al. and/or Haack et al. references does not cure this deficiency.

Second, Applicants have amended claims 1 and 16, upon which the rejected claims are dependent, to limit the lubricant compositions to those consisting essentially of (a) a first component consisting of natural fat and/or oil with an iodine value below 10; and (b) a second component comprising one lubricant different from the natural fat and/or oil of component (a) for thermoplastic polymers wherein the fats and oils of a) can be used in the form of naturally occurring fats and oils, or the hydrogenation products thereof, and wherein the lubricant b) is

selected from fatty acid ester of fatty alcohols, dicarboxylic acid esters of fatty alcohols, and polyol fatty acid ester. Lindner teaches the use of an organic acid in conjunction with an ester of a monofunctional organic acid and a dihydric alcohol, or an ester of a monofunctional organic acid and a monohydric alcohol, or a monohydric alcohol ester of a dicarboxylic aromatic acid, or mixtures thereof. *See* col. 2, ll. 9-24. Therefore, Lindner requires the addition of an organic acid to the composition to act “as an internal lubricant and metal release agent for polyvinylchloride” which is the goal of the invention. Col. 3, ll. 57-59; col. 2, ll. 51-55 (“It is desirable that the polyvinylchloride in the extruder have present materials which function both as internal and external lubricants.”). Lindner also discloses that a component in addition to the organic acid and the above-listed other (B) component may be hydrogenated triglyceride. Lindner therefore does not teach, suggest or disclose the elements of the current invention. In light of the amendments and the above remarks, Applicants respectfully request the Examiner withdraw the rejection of claims 7, 11-12, 19, 25, and 26.

***Conclusion***

In view of the amendments and remarks presented herein, Applicant submits that the present application is in condition for allowance, and such action is respectfully requested. If, however, any issues remain unresolved, the Examiner is invited to telephone Applicant's counsel at the number provided below.

Respectfully submitted,

/Philip P. McCann/

Philip P. McCann  
Registration No. 30,919

SMITH MOORE LEATHERWOOD LLP  
P.O. Box 21927  
Greensboro, NC 27420  
(336) 378-5302  
phil.mccann@smithmoorelaw.com

Date: July 19, 2011

File No.: 5007447.010US1

**CERTIFICATE OF TRANSMISSION**

I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING  
TRANSMITTED VIA EFS-WEB TO THE UNITED  
STATES PATENT AND TRADEMARK OFFICE  
ADDRESSED TO: MAIL STOP AMENDMENT,  
**COMMISSIONER FOR PATENTS, P.O. BOX 1450,**  
**ALEXANDRIA, VA 22313-1450, ON** July 19, 2011  
(Date)

Mary M. Garner  
Name of Depositor

/ Mary M. Garner /  
Signature

July 19, 2011  
Date of Signature